

# Notice of Allowability

Application No.

10/686,727

Examiner

Albert T. Chou

Applicant(s)

LEE ET AL.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 21 September 2007.
2. ☒ The allowed claim(s) is/are 1-14, 16, 17, 19 and 20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings filed on 17 October 2003 are accepted by the Examiner.

### ***Allowable Subject Matter***

2. Claims 1-14, 16, 17, 19 and 20 are allowed.

### ***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance.

The prior art does not teach or fairly suggest the following:

A method and a system of retransmitting uplink packet data from a user equipment (UE) to Node Bs, the UE transmitting data to the Node Bs on an enhanced uplink dedicated transport channel (EUDCH) and a radio network controller (RNC) controls the Node Bs, the method comprising the steps of:

transmitting from the Node Bs to the UE first response fields indicating whether the Node Bs have received good packet data or bad packet data, and second response fields indicating whether the RNC has received good packet data or bad packet data; and

detecting the first and second response fields and determining retransmission of the uplink packet data according to the values of the response fields in the UE, as specified in claims 1 and 6.

A method of retransmitting uplink packet data to a plurality of active Node Bs in a user equipment (UE) in a handover region in a mobile communication system supporting an enhanced uplink dedicated transport channel (EUDCH) service, the method comprising the steps of:

receiving from the active Node Bs first response fields indicating normal or erroneous reception of the uplink packet data in the active Node Bs and second response fields indicating normal or erroneous reception of the uplink packet data in a radio network controller (RNC) connected to the active Node Bs;

computing the reliability of the first response fields and comparing the reliability with a predetermined threshold; and transmitting a next uplink packet data if the reliability is greater than the threshold and determining retransmission of the uplink packet data depending on a second response field received from the RNC to the UE if the reliability is less than or equal to the threshold, as specified in claim 11.

The closest prior art, US Patent Application Pub. No. 2004/0116143 A1 by Love et al. or US Patent No. 6,678,249 to Toskala et al, either singularly or in combination, fails to anticipate or render the above limitations obvious.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert T. Chou whose telephone number is 571-272-6045. The examiner can normally be reached on 8:30 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham, can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Albert T. Chou  
October 16, 2007

Ac

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER

CE/17/07